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Lawmakers say they'll consider tougher school inspections

By The Associated Press

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DENVER — Lawmakers say they'll consider tougher legislation following a state audit and interviews with fire officials that showed many Colorado public schools have never received fire and building inspections.

“The one building you have that should be the safest is the one that our children are at. The laws they're fighting over involve the lives of our children. Let's move forward with legislation and be done with it,” said House Minority Leader Mike May, R-Parker. “The bottom line is that we have our kids safe. We need fire and building codes that protect lives,” said Senate President Joan Fitz-Gerald, D-Golden.

Any change could take months. Most legislators contacted said they might not consider the issue until January, during the next session. And they've addressed the issue before, to little effect.

Still, lawmakers said they were angered after several fire officials told The Associated Press they haven't seen a state inspector in 20 years. The state building inspector told the AP the state barred him from any inspection that required an overnight trip, making it nearly impossible to check schools on the Western Slope. He also revealed he was forced to issue certificates of occupancy based on blueprints and reports from engineers who designed the buildings.

According to records obtained by the AP under the Colorado Open Records Act, frustrated fire officials compiled a report for lawmakers in 2004 citing fires that got out of hand, school roofs that collapsed, and an elementary school where exposed electrical wiring was found the day before it was scheduled to open. Fortunately, no one was

Deputy Fire Marshal Kim McDonald with Lake Dillon Fire-Rescue, left, talks about Colorado's state school inspection system during an interview on Wednesday, Aug. 1. Deputy Chief Jeff Berino, right, looks on.

AP Photo



injured, they said.

“It is only by luck and chance that we haven’t lost a child due to a fire or structural collapse in a school,” said Paul Cooke, executive director of the Colorado State Fire Chiefs’ Association, which represents 300 departments across the state.

In 2005, the Donnell-Kay Foundation, a school advocacy group, issued a report titled “Colorado’s Crumbling Classrooms: It’s Worse Than You Know.” The report said 88 percent of Colorado’s 178 school districts reported at least one construction problem affecting health and safety. They said it would cost at least \$400 million just to fix the safety issues.

Lawmakers say they’re especially concerned because a task force charged last year with drawing up temporary rules to allow local fire districts to perform fire inspections took more than a year to do its work — and there are disputes over its recommendations.

Permanent rules, meanwhile, have not been adopted, in part because of long-standing disputes among state agencies, local school districts and fire officials over what is required and who has control.

House Speaker Andrew Romanoff, D-Denver, said he is seeking another statewide school safety audit to identify individual schools that need to be brought up to code after he visited several school districts and found several health and safety problems, including, in one instance, ladders being used as fire escapes.

Attempts to change state law giving fire districts the ability to enforce local codes or transfer responsibility for building inspections from the Department of Labor and Employment to the Department of Public Safety were blocked the past three years by state agencies that didn’t want to give up control and by school districts that want a uniform state code instead of having to follow hundreds of different fire codes across the state.

Lawmakers approved a compromise last year allowing local school districts to decide whether they wanted state or local fire inspectors. However, the new law required that the task force draft enforcement rules. That task force got bogged down in disputes over what certification inspectors would need and what required a building permit.

The 15-member task force includes fire officials, architects, state officials charged with enforcement and school officials. It has been meeting weekly since Gov. Bill Ritter ordered all schools built within the past 18 months to be inspected. However, fire officials say that doesn’t go far enough and won’t cover schools built over the past 20 years.

State officials say inspecting the older schools now won’t work because many of them have been modified since they were built and they can’t tear down walls to see if they meet codes.

Cheryl Humann, who represents Jefferson County on the task force, said lawmakers need to give the panel time to come up with the rules because they are complex, covering issues like the number of light fixtures that can be added before another inspection is required, and waivers that could be granted that would still meet the code.

“It’s not going as fast as we’d like. It’s not helpful to the schools and we are going to work through it. That’s bureaucracy at its finest,” said Humann.

Humann said school districts oppose attempts to move building inspections from the Division of Oil and Public Safety in the Department of Labor & Employment to the Department of Public Safety because the former has the expertise to perform most building code inspections that cover health and safety, electrical, elevator and plumbing issues.

Fire inspections are the responsibility of the Division of Fire Safety in the Department of Public Safety.

Humann said school districts believe there should be statewide building and fire codes based on national standards. That would allow school districts to build schools more economically. Local codes require dozens of different school designs, especially in large districts like Jefferson County, which has 148 schools and 84,000 students.

Cooke said fire chiefs would prefer local inspectors if they have the expertise, with a skeleton state inspection crew for fire districts lacking qualified inspectors.

He said fire districts have different issues, such as the need to deal with heavy snow loads on roofs, or the need to increase the height of fire hydrants to keep them from freezing in mountain school districts.

Local fire districts would also be allowed to keep inspection fees collected from contractors, which totaled \$302,100 last year, Cooke said.

He said if the state keeps control, inspections should be moved to the Department of Public Safety, which he said has a better enforcement record.

“They have a public safety bent,” he said.

Cher Roybal Haavind, spokeswoman for the Department of Labor & Employment, said the central issue is a lack of funding, not control between her department and the Department of Public Safety.

“Moving one underfunded department to another won’t get to the root of the problem,” she said.

Haavind said the two state agencies previously failed to coordinate inspections but are

now working together.

“To have one entity at the state level to look at these facilities makes it easier, not just for Jefferson County but the entire state,” she said.

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